

TOWN OF HAMILTON
BOARD OF HEALTH
CHAPTER VIII

Minimum Standard For Keeping of Animals

The Board of Health of the Town of Hamilton, Massachusetts, as authorized by Massachusetts General Laws, Chapter III, Sections 31 and 155, hereby amends Board of Health Regulation, Chapter VIII. This regulation has been promulgated to provide minimum standards for the protection of public health, animals, and the environment. The following rules, regulations, and standards are deemed by the Board of Health to be generally adequate to protect the public health, comfort, and the environment in the interests of present and future citizens of Hamilton.

Regulation 1. Definitions

Abutter: “Parties in interest” as used in this regulation shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list as further defined in chapter 40A, Section II.

Animal: shall mean any animal such as but not limited to poultry, bird, reptile, fish, cow, horse.

Board of Health: means the legally designated health authority of the Town of Hamilton, Massachusetts.

Coop: shall mean any building, lot, structure, enclosure, or premises or portion thereof where poultry are kept.

Facility: shall mean any corral, building, drylot, enclosure, paddock, coop, run, shed, stable, stall, or structure used for storage of food supplies and/or equipment normally associated with the keeping of animals, or for the keeping or restraining of any animal except such of those that are subject to regulation under the provisions of

- A. Section 2B of chapter 128 of the General Laws pertaining to commercial riding stables;
- B. Section 39A of Chapter 129 of the General Laws pertaining to pet shops;
and
- C. Sections 136A through 175 of chapter 140 of the General Laws pertaining to dogs.

Feed: means a food mixture or preparation used for consumption by animals kept at a facility.

Flooding: means the temporary covering of soil with water from overflowing streams or adjacent slopes on a frequent basis (occurring on an average of more than once in two (2) years) of brief duration two (2) to seven (7) days).

Unsanitary: means that state of being of a facility which, in the opinion of the Board of Health, is conducive to or results in:

- A. breeding of flies
- B. creation of malodors
- C. vermin infestation
- D. liquid effluent
- E. runoff
- F. disease carriers
- G. noise
- H. dust

in such concentrations and of such duration as to

i. be injurious or, on the basis of current information, potentially injurious to human health, or ii. unreasonably interfere with the comfortable enjoyment of life and property.

License: shall mean written authorization from the Board of Health to construct or maintain a structure for the keeping of animals.

Livestock: shall mean horses, ponies, cows, bulls, cattle, sheep, goats and swine.

Malodor: means noxious odor.

Manure: means excrement and used bedding from livestock & poultry.

Original: means the first time a license or permit is issued. For example, application for a new permit for a different animal as an addition and/or replacement will not be considered original.

Owner: shall mean every person who alone, or jointly, or severally with others:

- A. has legal title to any facility, or
- B. has care, charge, custody, or control of any facility including but not limited to agents, executors, administrators, trustees, lessees or legal representatives.

Paddock: shall mean a fenced in area for turn out and/or exercising animals.

Pasture: shall mean a plot of fenced in land used for grazing and/or feeding of animals.

Permit: shall mean written authorization from the Board of Health to keep animals.

Person: shall mean any individual, partnership, corporation, firm, association or group, including a city, town, county or other governmental unit, owning property or carrying on activity governed by the regulations.

Poultry: shall mean all domesticated or semi-domesticated edible fowl such as but not limited to chickens, turkeys, ducks, guinea fowl, pheasants, and pigeons.

Runoff: shall mean any liquid or solid suspended in liquid that flows over the surface of the ground.

Shelter: shall mean the minimum housing required for horses, ponies, cattle, sheep, goats and swine.

Small Animal: means rabbits and poultry, and other similar small animals.

Stable: means a building or structure in which animals are housed and/or fed.

Stall: means a compartment in a stable used for the keeping of one or more animals.

Suitable land: means land with a natural drainage class of excessively drained, somewhat excessively drained, well drained or moderately well drained. Suitable land shall be land that is not a wetland as defined under M. G. L. Ch. 131 S. 40 or 310 CMR 10.00 or subject to flooding.

Swine: shall mean any hoofed mammal of the porcine species.

Vermin: shall mean any of various destructive insects or small animals including, but not limited to, flies, mosquitoes, lice, mice, and rats.

Wetland: as defined under M.G.L. Ch. 131, S. 40, 310 CMR 10.00, the Wetlands Protection Act, and Town of Hamilton By-Law, Chapter 16, as amended from time to time.

Regulation 2. Keeping of Animals Permit

2.1 A Keeping of Animals Permit issued by the Hamilton Board of Health shall be required for the keeping of horses, goats, sheep, swine, and other large animals and when ten (10) or more small animals are kept. A permit shall expire June 30th and must be renewed annually.

- 2.2 A Keeping of Animals Permit shall be issued by the Board of Health when the application is approved by the Board or its Agent.
- 2.3 A Keeping of Animals Permit shall be kept on the premises for which it is issued, and shall be produced upon demand of the Hamilton Animal Inspector or any agent or member of the Hamilton Board of Health.
- 2.4 The Keeping of Animals Permit fee as approved by the Board of Health shall apply.
- 2.5 Animals not normally found or kept as domesticated animals such as, but not limited to, feral animals shall not be permitted except by written consent of the Board of Health and other approving authorities.
- 2.6 If an abutter's dwelling is within forty (40) feet from the common property line, the fence setback for the Keeping of Animals shall be ten (10) feet from said common property line.
- 2.7 Appropriate shelter shall be provided for the animals kept.

Regulation 3. Stable License

- 3.1 Any person who proposes to remodel a building or portion thereof to be used as a stable, or who proposes to renovate, alter or enlarge any existing stable, or proposes to construct a new building which is to be used in whole or in part as a stable shall, prior to remodeling, renovation, alteration, enlargement, or construction, shall submit plans thereof to the Board of Health for approval. Issuance of a stable license shall constitute approval. No building permit, foundation permit, special building permit, plumbing permit, or electrical permit shall be issued until and unless a stable license has been issued.
- No person shall occupy or use a stable unless it has been licensed by the Board of Health.
- Within sixty (60) days of the effective date of this regulation, each owner of a Previously licensed stable shall apply for this license.
- 3.2 Application shall be made to the Board or its Agent on a form provided by the Board.
- 3.3 The original license application under this regulation shall be accompanied by a sketch locating stable, paddock(s) and manure storage area, and any septic system, private or public well, surface watercourses and any wetlands within one hundred (100) feet of the stable, paddock(s) and/or manure area. Additionally,

lot lines and abutting streets shall be shown on the sketch.

3.4 Each application shall also make suitable arrangement for the storage, handling and disposal of manure.

3.5 An amended application for a stable license shall be submitted sixty (60) days Prior to any change in the location of the stable, paddock(s) or manure storage Area(s); or if the areas of the original stable, paddock(s) or manure storage area(s) are increased; or if any new stable, paddock(s) or manure storage area(s) are built or established; or if ownership of the stable changes.

3.6 A stable license shall expire June 30th and must be renewed annually.

Regulation 4. Location

4.1 Each stable shall be located on land with good drainage ability and not subject to flooding. The stable shall be at least one hundred (100) feet from any wetland , one hundred (100) feet from any well, and one hundred (100) feet from occupied dwelling of abutter.

4.2 No manure storage area shall be located within:

- a. One hundred (100) feet of wetlands or watercourse as defined by M.G.L. Ch. 131, S. 40.
- b. Fifty (50) feet of a lot line or public way without special Board of Health permission.
- c. One hundred (100) feet of wells for potable water.
- d. Four hundred (400) feet of public water supply wells re DEP regulation.

4.3 No paddock, pen or animal exercise area shall be located over the leaching Facility of a subsurface sewage disposal system without permission of the Board of Health.

Regulation 5. Maintenance of Premises and Care of Animals

Animal owners, stable owners and operators shall:

5.1 Maintain all buildings, premises and conveyances in such a manner so as not to create an unsanitary condition.

5.2 Provide for the storage or disposal of waste material and manure so as to control vermin, insects and noxious odors.

- 5.3 Provide adequate shelter for the welfare of any animals on the premises. Stalls shall be of adequate size for the comfort and safety of the animal contained herein. Standing stalls are permissible.
- 5.4 Take all reasonable precautions to prevent the spread of infectious or contagious diseases.
- 5.5 Provide adequate space for the safety of group housed animals.
- 5.6 Ensure that paddocks contain adequate shade and that they be free of glass, wire, and other materials which might cause injury to animals.

Regulation 6. Keeping of Equines

- 6.1 Area requirements for the keeping of horses will be a minimum of (80,000 S.F.) eighty thousand square feet. A maximum of three (3) horses will be allowed on (80,000 S.F.) eighty thousand square feet of suitable land; an additional (20,000 S.F.) twenty thousand square feet of suitable land will be required for each additional horse, provided that the granting of such permit will not adversely affect the public health, safety and welfare.
- 6.2 Under no circumstances shall a horse be allowed to roam free off the owner's premises; nor should it be left tethered, unless attended by a responsible person. Repeated violation of this regulation will result in suspension of the permit.
- 6.3 Fencing shall be post and board or split rail or wire or other suitable fencing material to contain animals, barbed wire or similar wire, shall not be used.

Regulation 7. Keeping of Pigeons

- 7.1 Permit shall distinguish between pigeons permanently cooped and pigeons allowed free flight.
- 7.2 Every effort and precaution shall be taken to minimize flying or roosting on, above, within or proximate to abutting properties. It shall be adequate cause for revoking a permit for the keeping of pigeons if the flying of said pigeons interfere with the comfortable enjoyment of surrounding properties.
- 7.3 Facilities for keeping of pigeons shall be maintained in a sanitary condition.
- 7.4 Facilities for the keeping of pigeons shall not be located within (100) one hundred feet of any dwelling, lot line or street.

Regulation 8. Keeping of Swine

- 8.1 Swine may be kept in accordance with the regulations set by the Commonwealth of Massachusetts and the Board of Health of the Town

of Hamilton.

Regulation 9. Keeping of Bees

- 9.1 Hives shall be kept no closer than (100) one hundred feet to any abutting dwelling or dwelling unit, and not within (50) fifty feet of any of any property line or public way.

Regulation 10. Keeping of Animals in the school system

- 10.1 These regulations shall apply to animals kept in schools.

Regulation 11. Existing Facilities

- 11.1 If a Keeping of Animals Permit or Stable License of an existing facility are not obtained within one year of the effective date of these regulations, the existing facility will be treated as a new facility when obtaining a Keeping of Animals Permit and Stable License and be subject to Chapter VIII, Keeping of Animals Regulation of the Board of Health, Town of Hamilton.

Regulation 12. Enforcement

- 12.1 The Board of Health may deny, revoke, suspend, or refuse to renew a permit or license upon finding by the Hamilton Board of Health, Animal Inspector, or Health Agent that the person has:
- A. violated any provision of MGL, ch 272, s 77 or 78A;
 - B. violated any provision of this Regulation;
 - C. violated a quarantine order;
- 12.2 No permit or license shall be denied, suspended, or renewal thereof refused except by the decision of the Board of Health after a duly advertised Public Hearing.

Regulation 13. Appeal

- 13.1 Any person aggrieved by the decision of the Board of Health may seek relief as provided by the laws of this Commonwealth.

Regulation 14. Penalties

- 14.1 Violators of any provision of this regulation shall, upon conviction be fined a

maximum of up to two hundred dollars (\$200.00) depending upon the severity of the violation. Each day's failure to comply with an order shall constitute a separate offense.

Regulation 15. Severability

- 15.1 Each part of this Regulation shall be construed as separate to the end that if any part of the Regulation, or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of the Regulation shall continue in full force.

Regulation 16. Adoption and Effect

- 16.1 These rules and regulations were adopted by unanimous vote of the Board of Health, Town of Hamilton, Massachusetts and are to be in full force and effect on and after September 1, 1989 and shall, before said effective date, be published in a newspaper published in this town and a copy shall be deposited in the office of the Town Clerk.

Board of Health
Anthony Madera, Chairman
William Tanner, Second Member
Richard Goehlert, Third Member

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